

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2577

Introduced by Assembly Members Cooley and Pan

February 21, 2014

An act to amend Section ~~10000~~ 14105.94 of the Welfare and Institutions Code, relating to ~~public social services~~ Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 2577, as amended, Cooley. ~~Public social services—Medi-Cal:~~ *ground emergency transportation services: supplemental reimbursement.*

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law authorizes certain ground emergency medical transportation providers to receive supplemental Medi-Cal reimbursement in addition to the rate of payment the provider would otherwise receive for those services. Existing law provides that participation in the supplemental reimbursement program by an eligible provider is voluntary, and requires the nonfederal share of the supplemental reimbursement to be paid only with funds from specified governmental entities.

This bill would include, as eligible providers, those that provide ground emergency medical transportation to Medi-Cal fee-for-service or managed care beneficiaries. The bill would also authorize the governmental entities to include, as the nonfederal share of expenditures for ground emergency medical transportation services, and in

collaboration with the department, voluntary intergovernmental transfers that conform with federal law.

~~Existing law establishes various programs for delivery of care, assistance, and services to people in need and declares the intent that aid be administered and services be provided promptly and humanely.~~

~~This bill would make a technical, nonsubstantive change.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *Section 14105.94 of the Welfare and Institutions*
- 2 *Code is amended to read:*
- 3 14105.94. (a) An eligible provider, as described in subdivision
- 4 (b), may, in addition to the rate of payment that the provider would
- 5 otherwise receive for Medi-Cal ground emergency medical
- 6 transportation services, receive supplemental Medi-Cal
- 7 reimbursement to the extent provided in this section.
- 8 (b) A provider shall be eligible for supplemental reimbursement
- 9 only if the provider has all of the following characteristics
- 10 continuously during a state fiscal year:
- 11 (1) Provides ground emergency medical transportation services
- 12 to Medi-Cal *fee-for-service or managed care* beneficiaries.
- 13 (2) Is a provider that is enrolled as a Medi-Cal provider for the
- 14 period being claimed.
- 15 (3) Is owned or operated by the state, a city, county, city and
- 16 county, fire protection district organized pursuant to Part 2.7
- 17 (commencing with Section 13800) of Division 12 of the Health
- 18 and Safety Code, special district organized pursuant to Chapter 1
- 19 (commencing with Section 58000) of Division 1 of Title 6 of the
- 20 Government Code, community services district organized pursuant
- 21 to Part 1 (commencing with Section 61000) of Division 3 of Title
- 22 6 of the Government Code, health care district organized pursuant
- 23 to Chapter 1 (commencing with Section 32000) of Division 23 of
- 24 the Health and Safety Code, or a federally recognized Indian tribe.
- 25 (c) An eligible provider's supplemental reimbursement pursuant
- 26 to this section shall be calculated and paid as follows:
- 27 (1) The supplemental reimbursement to an eligible provider, as
- 28 described in subdivision (b), shall be equal to the amount of federal

1 financial participation received as a result of the claims submitted
2 pursuant to paragraph (2) of subdivision (f).

3 (2) In no instance shall the amount certified pursuant to
4 paragraph (1) of subdivision (e), when combined with the amount
5 received from all other sources of reimbursement from the
6 Medi-Cal program, exceed 100 percent of actual costs, as
7 determined pursuant to the Medi-Cal State Plan, for ground
8 emergency medical transportation services.

9 (3) The supplemental Medi-Cal reimbursement provided by this
10 section shall be distributed exclusively to eligible providers under
11 a payment methodology based on ground emergency medical
12 transportation services provided to Medi-Cal beneficiaries by
13 eligible providers on a per-transport basis or other federally
14 permissible basis. The department shall obtain approval from the
15 federal Centers for Medicare and Medicaid Services for the
16 payment methodology to be utilized, and may not make any
17 payment pursuant to this section prior to obtaining that approval.

18 (d) (1) It is the Legislature's intent in enacting this section to
19 provide the supplemental reimbursement described in this section
20 without any expenditure from the General Fund. An eligible
21 provider, as a condition of receiving supplemental reimbursement
22 pursuant to this section, shall enter into, and maintain, an agreement
23 with the department for the purposes of implementing this section
24 and reimbursing the department for the costs of administering this
25 section.

26 (2) The nonfederal share of the supplemental reimbursement
27 submitted to the federal Centers for Medicare and Medicaid
28 Services for purposes of claiming federal financial participation
29 shall be paid only with funds from the governmental entities
30 described in paragraph (3) of subdivision (b) and certified to the
31 state as provided in subdivision (e).

32 (e) Participation in the program by an eligible provider described
33 in this section is voluntary. If an applicable governmental entity
34 elects to seek supplemental reimbursement pursuant to this section
35 on behalf of an eligible provider owned or operated by the entity,
36 as described in paragraph (3) of subdivision (b), the governmental
37 entity shall do all of the following:

38 (1) Certify, in conformity with the requirements of Section
39 433.51 of Title 42 of the Code of Federal Regulations, that the
40 claimed expenditures for the ground emergency medical

1 transportation services are eligible for federal financial
2 participation. *The governmental entity may elect to include, in*
3 *collaboration with the department, and as the nonfederal share*
4 *of expenditures for ground emergency medical transportation*
5 *services, voluntary intergovernmental transfers, as long as the*
6 *intergovernmental transfers are in conformity with federal law.*

7 (2) Provide evidence supporting the certification as specified
8 by the department.

9 (3) Submit data as specified by the department to determine the
10 appropriate amounts to claim as expenditures qualifying for federal
11 financial participation.

12 (4) Keep, maintain, and have readily retrievable, any records
13 specified by the department to fully disclose reimbursement
14 amounts to which the eligible provider is entitled, and any other
15 records required by the federal Centers for Medicare and Medicaid
16 Services.

17 (f) (1) The department shall promptly seek any necessary federal
18 approvals for the implementation of this section. The department
19 may limit the program to those costs that are allowable
20 expenditures under Title XIX of the federal Social Security Act
21 (42 U.S.C. 1396 et seq.). If federal approval is not obtained for
22 implementation of this section, this section shall not be
23 implemented.

24 (2) The department shall submit claims for federal financial
25 participation for the expenditures for the services described in
26 subdivision (e) that are allowable expenditures under federal law.

27 (3) The department shall, on an annual basis, submit any
28 necessary materials to the federal government to provide assurances
29 that claims for federal financial participation will include only
30 those expenditures that are allowable under federal law.

31 (g) (1) If either a final judicial determination is made by any
32 court of appellate jurisdiction or a final determination is made by
33 the administrator of the federal Centers for Medicare and Medicaid
34 Services that the supplemental reimbursement provided for in this
35 section must be made to any provider not described in this section,
36 the director shall execute a declaration stating that the
37 determination has been made and on that date this section shall
38 become inoperative.

39 (2) The declaration executed pursuant to this subdivision shall
40 be retained by the director, provided to the fiscal and appropriate

1 policy committees of the Legislature, the Secretary of State, the
2 Secretary of the Senate, the Chief Clerk of the Assembly, and the
3 Legislative Counsel, and posted on the department's Internet Web
4 site.

5 (h) Notwithstanding Chapter 3.5 (commencing with Section
6 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
7 the department may implement and administer this section by
8 means of provider bulletins, or similar instructions, without taking
9 regulatory action.

10 ~~SECTION 1. Section 10000 of the Welfare and Institutions~~
11 ~~Code is amended to read:~~

12 ~~10000. The purpose of this division is to provide for protection,~~
13 ~~care, and assistance to the people of the state in need thereof, and~~
14 ~~to promote the welfare and happiness of all of the people of the~~
15 ~~state by providing appropriate aid and services to all of its needy~~
16 ~~and distressed. It is the intent of the Legislature that aid shall be~~
17 ~~administered and services provided promptly and humanely, with~~
18 ~~due regard for the preservation of family life, and without~~
19 ~~discrimination on account of ancestry, marital status, political~~
20 ~~affiliation, or any characteristic listed or defined in Section 11135~~
21 ~~of the Government Code. That aid shall be so administered and~~
22 ~~services so provided, to the extent not in conflict with federal law,~~
23 ~~as to encourage self-respect, self-reliance, and the desire to be a~~
24 ~~good citizen, useful to society.~~